

PATENT COOPERATION TREATY

REC'D 24 JAN 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

31/3

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/NL2004/000660

International filing date (day/month/year)
23.09.2004

Priority date (day/month/year)
23.09.2003

International Patent Classification (IPC) or both national classification and IPC
B05B11/00, B05B7/00

Applicant
R+D INJECTOR AG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Authorized Officer

van der Bijl, S

Telephone No. +31 70 340-4190



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2004/000660

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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International application No.
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Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-12
	No: Claims	1,2,13
Inventive step (IS)	Yes: Claims	3-12
	No: Claims	1,2,13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/NL2004/000660

Re Item V.

- 1 The following documents are referred to in this communication:
D1 : US 4 057 176 A (HORVATH WILLIAM) 8 November 1977 (1977-11-08)
- 2 INDEPENDENT CLAIMS 1 and 13
- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parentheses applying to this document):
a dispenser suitable for a liquid container (1), comprising:
 - a liquid pump provided with an inlet having an inlet valve (50) and an outlet having an outlet valve (66,67),
 - an air pump provided with an inlet having an inlet valve and an outlet having an outlet valve (25a),
 - a mixing chamber (23) which is in communication with the outlet of each pump, and
 - a dispensing part (5) provided with an outflow channel with an outflow opening, wherein the outflow channel is in communication with the mixing chamber, whereby the outlet valve of the air pump, which is adjacent to the outlet of the liquid pump, is formed by a flexible wall (25a). (see D1, figures 2a, 6a, 6e, 7a, 8a)
- 2.2 Also claim 13 does not meet the criteria of Article 33(2) PCT because it claims a dispenser assembly consisting of a liquid container and the known dispenser of claim 1.
- 3 DEPENDENT CLAIM 2
Dependent claim 2 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT).

S. van der Bijl

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International application No.

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International application No.
PCT/NL2004/000660

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

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Industrial applicability (IA)	Yes: Claims	1-13
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2. Citations and explanations

see separate sheet

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a dispenser suitable for a liquid container (1), comprising:

- a liquid pump provided with an inlet having an inlet valve (50) and an outlet having an outlet valve (66,67),**
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- a mixing chamber (23) which is in communication with the outlet of each pump, and**
- a dispensing part (5) provided with an outflow channel with an outflow opening, wherein the outflow channel is in communication with the mixing chamber, whereby the outlet valve of the air pump, which is adjacent to the outlet of the liquid pump, is formed by a flexible wall (25a). (see D1, figures 2a, 6a, 6e, 7a, 8a)**

- 2.2 Also claim 13 does not meet the criteria of Article 33(2) PCT because it claims a dispenser assembly consisting of a liquid container and the known dispenser of claim 1.

3 DEPENDENT CLAIM 2

Dependent claim 2 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT).

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